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"MC GUIRK VERSUS RICHARD"

—BY—

THE BISHOP OF CHATHAM.



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To the Editor of the *Moncton Times*,—

Sir,

My attention has been called to an article in the "*Moncton Times*" of the 13th June, on the recent trial at the County Kent Court House. in the case "*McGuirk vs. Richard*," both R. C. Priests, in which are the following statements:

"It appears that while the Rev. plaintiff was stationed at Kouchibouguac, where his labors were chiefly instrumental in the construction of a fine Church for his flock, an effort was made by the Rev. defendant, and backed by Bishop Rogers, to supersede him."

"The attitude of Bishop Rogers in this matter, if correctly reported, is certainly deserving of comment; since he is represented as claiming the decrees of the Ecumenical Council and the Infallibility of the Pope for his authority in the transaction,—a pretence which should not for a moment be admitted to interfere with the administration of justice in New Brunswick His subsequent address at the Richibucto Chapel would lead one to suppose that he thinks the Ecclesiastical rules of the Church are entitled to more weight than they have in New Brunswick Courts."

"The jury gave Mr. McGuirk a verdict of \$1,200 damages. He is now claiming about \$20,000 for the lands and Church at Kouchibouguac."

These statements are incorrect in every particular, except what is mentioned in the last paragraph. The Rev. Mr. McGuirk never built any church either in Kouchibouguac or Kouchibouguais. Permit me therefore to give an exact statement for the information of all who may take an interest in the matter of this miserable trial.

It may be easily understood how painful it is for me to take part in such a matter; but a sense of imperative duty to protect one of my young priests, who, with simplicity and rectitude of intention and of action, does his duty piously and faithfully, against the monstrous injustice of a senior confrère for whose irregular conduct no other plea but that of mental aberration can be admitted without more seriously inculcating him.

The death of the Very Reverend Mr. Paquet, V. G., in July, 1869, occasioned the transferring of the Rev. Mr. Pelletier from the mission of St. Louis, (Kouchibouguais) and its dependencies, in Kent, to replace Mr. Paquet in Caraquet, County Gloucester. The Rev. Mr. McGuirk, then in charge of the mission of St. Basil, in Madawaska, County Victoria, was transferred to St. Louis in place of the Rev. Mr. Pelletier. Mr. Pelletier did not move away from St. Louis until October, and Mr. McGuirk, though he visited St. Louis in October, did not come to reside there until late in November. Other Priests were appointed to the missions in Madawaska made vacant by

Mr. McGuirk's removal to Kent. These various administrative changes were effected in the usual way, by the official directions of the undersigned Ordinary of the Diocese, before my departure from Chatham on the 16th November for Rome, where I arrived to assist at the opening of the Œcumenical Council of the 8th December following.

While in Rome that winter I learned by letters that the Rev. Mr. McGuirk was ailing; but it was only on returning to my Diocese that I was made aware of the full extent of his mental aberration. In the month of January, 1870, the late Dr. Benson, Sr., was called to attend him. He found his nerves so affected that he begged of the Very Reverend the Vicar General Administrator of the Diocese during my absence, to have him brought to the Hospital at Chatham, stating that a man in such a state of mind ought not to be left alone. Accordingly the Very Rev. Mr. Egan who, accompanied by the Rev. Mr. Barry of Chatham, was on a visit to Mr. McGuirk in his illness, prevailed on him to come to Chatham, where under the kind nursing of the Religious Ladies of the Hotel Dieu he became comparatively well. After two or three weeks he returned to his mission, and the Rev. Jos. A. Babineau, whom the Administrator had sent to replace Mr. McGuirk in St. Louis, during his stay at the hospital, also returned to his own station at Newcastle. Subsequently however, complaints from the people of St. Louis, of whom a deputation came to the Administrator, made it evident that Mr. McGuirk's mental recovery was not permanent. His eccentric conduct, incoherent preaching—sometimes most indelicate—impulsive, fitful action, and imaginary vision of spirits of all kinds, good and bad, were painful evidences of this fact. Had there been a supernumerary Priest available, the Administrator would have sent him to assist in discharging the duties of the ministry, as well as to exercise a kind, fraternal surveillance over the deranged Incumbent. This surveillance had to be performed by his sister, Mrs. Francis McPhelim, and other members of his household and some of his parishioners, who took turn keeping watch in the house at night, particularly at times when the paroxysms of his folly were greatest. One of the clerical students of the Diocese was called home from the Seminary of Montreal as soon as his course of studies was completed, promoted to Priesthood, and immediately placed as Vicar of the mission, in August, 1870.

This pious and intelligent young Priest, the Rev. Marcellus F. Richard who was so much esteemed and loved for his genial, amiable and excellent qualities, by all his Professors and fellow-students in the Seminary, and who enjoys now the esteem of all persons with whom his clerical duties have since brought him into relation—devoted himself to his task with a spirit of patience and self-sacrifice truly admirable. His agreeable, gentle and docile bearing

towards his senior confrère exerted a happy influence on the latter, which doubtless kept off the crisis of madness, since it removed all occasions of irritation, for several months; but anyone of ordinary good judgment and experience can understand how painful must have been Mr. Richard's position, placed thus, in the commencement of his ministry, under a partially crazy man of Mr. McGuirk's temperament.

The crisis however at length came.

Passing through St. John in December, 1870, on my way home from Europe, His Lordship Bishop Sweeney shewed me one of a series of letters which he had recently received from the Rev. Mr. McGuirk. The style and matter of this letter, so utterly uncalled for by any action of His Lordship towards Mr. McGuirk, left no doubt in my mind that its author must be, if not a confirmed lunatic, at least far gone towards insanity. On arriving at Richibucto, the information I got there, especially in reference to a sermon recently delivered by Mr. McGuirk in his church in that town, confirmed my previous conviction. Each daily mail after my arrival home brought me an absurd, offensive epistle from the Rev. Gentleman, in the first one of which he graciously declines coming to Chatham lest he should mar the pleasure of my return by horsewhipping the Very Rev. the Administrator, in my presence. The various matters claiming my attention for the first two or three days after my arrival home, kept me from taking immediate action in reference to his case. Finally he sends by mail, in an envelope addressed to me, a copy in his hand-writing of a letter, the original of which he had addressed to another person, a layman, and several other copies of which he sent to various other persons. This letter is of such a nature and style that no decent person, much less a clergyman, could utter it unless wholly devoid of reason.

The receipt of such, and so much evidence of his unfitness to continue exercising the Holy Ministry, left me no alternative but to write to him by return of post that same day the following letter:

CHATHAM, N. B., Dec. 23d, 1870.

THE REV. HUGH MCGUIRK,
St. Louis, Kouchibouguais, Co. Kent, N. B.

Reverend and Dear Sir,—

The joy which I felt on returning to my Diocese from the Œcumenical Council was alas! clouded by sorrow on learning that you are suffering from mental illness, amounting, in fact to total alienation of reason. Your letters which I saw, addressed to different venerable personages, are so outrageous that they afford but too palpable evidence of this. They prove the writer to be either very wicked, or insane. But as I always had the highest respect for your excellent qualities as a zealous, good and devoted priest, I attribute those productions, not to malice, but to temporary mental alienation which I trust will soon pass away.

Meanwhile, in your present condition, it is impossible for me to charge you with the care of souls. You need rest, absence from the responsibility of your present charge, and genial, happy recreation among your friends for some time, in order to soothe and recruit your excited nerves. For this purpose I relieve you of the charge of your present mission of St. Louis and its dependencies, and charge your Vicar, Father Richard, with its administration until you be in a fit state to resume it, or until further orders. For the same reason I withdraw from you the faculties of exercising the holy ministry in our Diocese, until permission be given you to do so, which will be when there is evidence of your recovery. I give you permission to absent yourself from our Diocese, if you like to do so, in order to visit your friends and seek the restoration of your health.

Begging God to bless you, and restore you to health and usefulness in His service!

I remain, Rev. Dear Sir,

Very faithfully yours in J. C.,

†JAMES ROGERS,

Bishop of Chatham.

By the same mail I wrote to Rev. Mr. Richard, appointing him temporarily Administrator of the Mission and its dependencies, both as to its spiritual and temporal matters, until Rev. Mr. McGuirk would recover, or until further orders.

These Official acts, done only when grave necessity rendered them imperative, transferred from the Rev. Mr. McGuirk to the Rev. Mr. Richard the official authority of Missionary Priest in charge of the Church and church property of St. Louis and its dependencies, with the right and obligation to perform all the duties spiritual and temporal belonging to that office.

Although Mr. McGuirk's right and authority to remain there had thus ceased, still it was by no means intended to oblige him to leave, to dispose of his personal goods, &c. On the contrary, it was hoped that being relieved for a while from the responsibilities and anxieties of missionary labours he would be able in a few months to resume duty; and therefore in my letter appointing Mr. Richard, as mentioned, he was directed "to take charge of and keep an exact account of the dime (tithes) and revenues accruing to the Priest, which would be for the Rev. Mr. McGuirk, less his own (Mr. R's) salary and any other necessary and reasonable expense incurred in fulfilment of his increased duties—provided that within three months from date Mr. McGuirk would be in a condition to resume his office."

It was only when the latter committed a sacrilegious abuse of the Blessed Sacrament, locked the church, kept the keys and prevented Mr. Richard from entering to fulfil his duties for several days—and finally when, in a paroxysm of madness, he brought an axe from Richibucto, and, having threatened the first person he met on jumping out of the sleigh, to mark him for life, ran to the presbytery (residence of priest) with axe in hand, and with it smashed in

the door, windows, &c., and threatened to strike with it any one who would come near him—it was only when this culmination of his folly took place, on the 17th January, 1871, that he was seized and held by the neighbours who had for some considerable time before, been on the watch lest Mr. McGuirk might, as he had threatened, set fire to the church or commit some other violence.

In thus seizing and restraining him from further injury no unnecessary violence was employed; on the contrary, the greatest delicacy possible in such circumstances was used. If he were deprived of his personal liberty it was only after he had given very abundant *striking* proofs, in presence of many witnesses, that in his then state, he was a *dangerous* lunatic. The Rev. Mr. Richard went to Richibucto to seek that protection from the personal violence and danger of an infuriated mad-man, which the constituted authorities in every civilized state of society provide. He sought legal advice. He applied to the principal magistrate of the place, and performed what he was advised to do, deposing on oath the facts and reasons why he feared further violence and sought protection. A Warrant was issued, and a constable sent from Richibucto to St. Louis to take Mr. McGuirk in charge; but as many hours had elapsed since he was seized by the men who guarded him at St. Louis, his paroxysm of rage had passed and he was now quite calm. Therefore though taken in charge by the constable, he was permitted to drive in his own sleigh to Richibucto, the constable going in another. As he now appeared calm and rational and offered no further violence, he was allowed his personal liberty and after two or three days was discharged from his arrest.

This ends the statement of facts on which Mr. McGuirk based his suit against Mr. Richard.*

[* NOTE.—To continue the narrative of the subsequent facts of this case it may be here mentioned, that when Mr. McGuirk committed the sacrilegious abuse of the Blessed Sacrament and locked the Church against Mr. Richard, so as to prevent or impede the latter from the discharge of any of his ministerial functions, and before Mr. McGuirk's violence with the axe, he (Mr. R.) wrote imploring me to come to St. Louis, for such was the depressed and afflicted state of his mind, on account of what had happened in the Church, he wanted sleep for several nights, &c., that he felt quite exhausted and needed the moral support and encouragement of my presence. As there was much business awaiting my personal attention at home after so long an absence, it was inconvenient for me to say. But I authorized the Vicar General to go to St. Louis, accompanied by Rev. Mr. Barry, Secretary and Chancellor of the Diocese. They arrived two or three days after the scene of violence with the axe above described. The Vicar General caused the Church to be opened for use, addressed the people assembled in it, and as far as could be re-established order. During his stay there, Mr. McGuirk came, accompanied by the Sheriff of the County with a Writ of Replevin to get possession of his personal effects. This action was altogether superfluous, for Mr. McGuirk had not been impeded or prevented from taking away

his goods and chattels. On this occasion his folly was again manifested by his wanting to take off articles which he had sold and for which he had received payment from Rev. Mr. Richard. It was only on inspecting the receipt in Mr. McGuirk's own handwriting that the Sheriff declined taking those articles into custody, although Mr. McGuirk claimed them as his property. The Vicar General then caused to be given up to Mr. McGuirk every other thing which he claimed as his on the premises, including the dime or tithes of about two thousand bushels of potatoes, which should belong to the Priest officiating there at that year, and pronounced his definitive privation of all right or claim on that mission, and all permission to resume duty there, or remain in or upon the church premises, or to officiate in the Diocese.

On return of the Vicar General, I sent another Priest, the Rev. Mr. Varrily, to remain with Mr. Richard for several weeks to assist the latter in the work of the ministry and enable him to enjoy the repose which he so much needed.]

From the foregoing facts—to prove which there is any amount of irrefragable evidence both ocular and documentary—it may be seen how unfounded and unjust was the verdict of the seven jurors, who condemned the Rev. Mr. Richard to pay to Mr. McGuirk \$1200. Such a verdict was in contradiction to the evidence produced at the trial—in contradiction to the law.

The action brought against the Defendant was for maliciously swearing to a false deposition that the Plaintiff was at the time a dangerous lunatic.

The Plaintiff's violent conduct with the axe, injuring property and threatening persons therewith, together with all its antecedent and concomitant circumstances and the anxiety and dread in which the Defendant was of further personal injury—all this was abundantly proved and not rebutted, nor attempted to be rebutted, by counter evidence. In such circumstances, when a man who had already acted outrageously in the church, comes with an axe and furiously destroys windows, doors, &c., of the Defendant's residence, and threatens those who approach him, what should the occupant of the house, the person placed in charge of the property, do? Has he not a right to use legitimate means to protect himself and property from such violence? What other legitimate means could the Defendant have employed at the time, but such as he did employ? 1st The furious man was restrained without undue and unnecessary violence. 2d. The Defendant goes to the chief authorities of the law to seek the protection which every civilized state provides in such cases. He is asked whether he wishes the Plaintiff to be arrested as a lunatic or as a malefactor. He replies he "wishes only the just protection from violence to which as a citizen and subject he is entitled." But as no citizen and subject can be deprived of his liberty by the arbitrary will of the magistrates, the Defendant is required to depose on oath the facts, and give his opinion as to whether these violent acts were done from malice prepense, or from aberration of reason. He believes they were done from aberration of reason, and deposes on oath accordingly. No one had better opportunities

than the Defendant to form a correct opinion on the subject, for he had been living in the house with the Plaintiff for the previous five months a constant observer of his eccentric and often irrational conduct. He knew that the general opinion of all who had opportunities of judging of the mental condition of the Plaintiff, for some months previous to his coming to live with him, was to the same effect. It was on this account that he, the Defendant, was stationed with the Plaintiff by his Ecclesiastical Superior—because of the repeated indications that the Plaintiff's reason was becoming deranged. But had he been mistaken in his opinion as to the cause of the Plaintiff's violent and injurious conduct, it would not therefore follow that his deposition was *false* and *malicious*. The facts of the Plaintiff's violence were patent to all the many persons who witnessed them. Whether *malice* or *folly* was the motive of these facts, in either case the Defendant had a right to protection from a repetition of the violence which he had suffered from the Plaintiff. If any technical informality in filling up the Deposition, or Warrant, or other legal papers, occurred, it was not the Defendant's fault. He did only what he had a right to do, acting throughout in good faith—with simplicity and rectitude. There was no ground to find that the Defendant had acted wrongly in the matter—no ground in the evidence to justify the jury in condemning him to any amount howsoever small for damages done the Plaintiff.

But perhaps the *law* authorized the jury's finding; perhaps the Plaintiff had the legal right to act as he did, destroying only property which was legally invested in him, &c.

The Plaintiff evidently intended so to plead. He knew that the Missionary Priest in charge of the Richibucto mission some forty years ago, but who has not been exercising the holy ministry for many years past, got deeded to him the land on which the Church of St. Louis at Kouchibouguacis is built. A cunning but crazy thought occurred to the Plaintiff to go to this gentleman, and get a Deed from him of the said land, which he accomplished. I say crazy, for if he had been rational he would have examined the County Records before going to Montreal in mid-winter on such an expedition. These Records shew that the two Deeds of the land in question were made to the Rev. Gentleman and his *successors in office, in trust* for the use and behoof of the Roman Catholic Missionary Priest stationed in that mission for the time being. So that when that Rev. Gentleman left the mission, his title ceased and became invested in the other Priest who succeeded him in office. But by the Act of the Legislature of New Brunswick, passed in 1862, incorporating the "Roman Catholic Bishop of Chatham" all lands within the Diocese of Chatham then invested in trustees for the use of the R. C. Church, became by the terms of that Act, invested in the said corporation. Hence according to law the legal

proprietor of the Church property in question is the R. C. Bishop of Chatham.

But it was proved in evidence that the Plaintiff had been dismissed from office by competent authority and for sufficient cause; and that the legal possessor of the said property placed the Rev. Mr. Richard in charge of it. Therefore the Plaintiff had not legal or other right to wantonly destroy and injure it; and it was the official duty as well as the legal right of the Defendant, as Priest in charge, to guard and protect it from all such aggression and injury. Hence the jury had no legal ground on which to found their unjust verdict.

These are the reasons why, in my remarks in our church in Richibucto on the Sunday after the trial, I expressed my astonishment at such a verdict, stating that it was against both the law and evidence.

For this conclusion it was quite unnecessary for me to claim "the authority of the Œcumenical Council and the Infallibility of the Pope." It was the Plaintiff's Lawyer, Mr. Sayers, who first spoke of this latter subject in court. With ludicrous sophistry, in his final appeal to a jury, composed exclusively of Presbyterians, he claimed, on such authority, a verdict for his client,—and got it!

From the time that the Rev. Mr. McGuirk was deprived of permission to exercise the Holy Ministry in our Diocese, he has persisted in addressing to me incoherent, abusive and silly letters, calling on me to do a certain public penance prescribed by him, in the Church of St. Louis, to deliver up to him my cross and ring, the insignia of office, stating that he has "been commanded by the winged messenger of Heaven" to communicate to me this order, and styling himself "Priest McGuirk, special messenger of the Ever Blessed and Immaculate Mother of God, the Duke DeBery, &c." This penance is to atone for "sins committed against the faith in opposing the Pope's infallibility at the Œcumenical Council in Rome." He has written a multitude of similar letters to His Grace the Archbishop of Halifax, and His Lordship Bishop Sweeney of St. John, as well as myself. Of these letters he writes copies and sends them off in all directions to various other persons. He has a number of them copied in a book out of which he reads, commenting and expatiating thereon to all persons who have patience or curiosity to listen to him, wherever he is sojourning, whether in hotels or other public places.

While these injurious libels were confined to the erratic vagaries in manuscript, and the voluble loquacity in conversation, of the demented Mr. McGuirk, I did not mind them. But when a Protestant gentleman of the legal profession, in his address in court to the judge and jury, and before a numerous and respectable auditory, deemed it not out of place to repeat his

lient's absurd assumptions concerning my course at the Œcumenical Council, felt it my duty to repel the injustice.

This was due to the intelligent and respectable Protestants of Kent who not having had the occasion to read or hear the various instructions of myself and other R. C. clergymen, on the decrees of the recent Council, as their Catholic neighbors have had, and having heard so much of Mr. McGuirk's talk on this subject during the past few months, might naturally have formed erroneous or confused views on the matter of the Council itself, and on the course pursued thereat by myself and other Bishops. Therefore on the morning after Mr. Sayers' address alluded to, I intimated that on the following day (Sunday)—having to be at St. Louis for the intended procession in honor of the Blessed Sacrament in the forenoon—I should return to Richibucto in the afternoon, when in the course of my instruction on the solemnity of the day, I would also speak on the subject of the Œcumenical Council, the Infallibility of the Pope, &c. This arrangement was accordingly carried out.

In my discourse on Sunday afternoon, delivered in the church of Richibucto, as promised, the great mystery which Catholics on that day were celebrating everywhere throughout the christian world, the REAL PRESENCE OF CHRIST IN THE EUCHARIST, naturally called for an exposition. The grounds and motives of credibility, not only for that, but for all the mysteries of the Christian Religion, the Unity and Trinity of God, the Incarnation, Crucifixion and Resurrection of Our Divine Redeemer were explained. It was observed that each one of these fundamental mysteries of Christianity is hard to believe, because impossible to understand by mere natural reason, and on natural principles. But even the natural order has its mysteries, things difficult, nay impossible, to account for, unless by the almighty power and infinite wisdom of the great Creator and Conservator of the universe. Well, this Almighty Lord and Master did not confine His creative and legislative power to the mere natural or material order. There is the supernatural order which does not contradict but transcends the natural. He commissioned His Prophets in the Old Law, His Divine Son sent His Apostles in the New, to make known unto man His Will, His Divine Revelation. This message from God to man contains two kinds of precepts, things to be done, and things to be believed. He commands us to worship Him with our twofold nature, our whole being both soul and body. "Thou shalt love the Lord thy God with thy whole heart, thy whole soul." In commanding us to do things repugnant to our bodily inclinations, He exacts the willing obedience of our bodies; in commanding us to believe mysteries, things above the capacity of our intellect, He exacts the worship of our higher faculties, the homage of our understanding. When there is question of obeying God's law in any

point of morals, we are not to ask: Is it easy or agreeable to our inclination but is it commanded? When there is question of believing any mystery of Religion, we are not to ask: Is it easy to understand? but: Is it a part of Divine Revelation? Our motive for obeying or believing is the authority of him who commands. We know that God's authority over us is supreme. He has the right to claim our obedience. He is the infallible truth. He cannot be mistaken Himself, nor deceive others. What HE SAYS therefore MUST BE TRUE, no matter how difficult for us to understand. When at the Last Supper, He takes up a piece of bread, blesses it and says: "THIS IS MY BODY," we believe it, not because it is easy to understand, but because GOD'S WORD says so. On natural principles we cannot understand the change of the transubstantiation. But this is a mystery of religion, not a natural truth. It belongs therefore to the supernatural order, like the Incarnation, the Redemption, and other truths of Divine Revelation, which are not to be judged by the natural laws of matter. And yet, to the Catholic, it is as easy to understand how the Omnipotent God can, in the supernatural order, change the bread into His Body as easily as He, by miracle, changed water into wine at Cana; or as easily as He, in the natural order, changes one grain of seed into an increase of ten or twentyfold of its own kind.

But are we not to exercise our understanding, our reasoning faculties, in the investigation of the truths of Religion, as well as in matters of natural science? Certainly: we are even *bound* to do so at the peril of our eternal salvation. The wilful neglect to learn natural science will not necessarily cause the loss of our souls; but the culpable neglect of learning and believing the fundamental religious truths of the Gospel, which Christ sent His Apostles forth to preach, will merit eternal reprobation. "Preach the Gospel to every creature." "He that believeth and is baptized shall be saved, but he that believeth not shall be condemned." "He that heareth you heareth Me; he that despiseth you despiseth Me," &c., &c. These and other similar utterances of Eternal Truth leave no doubt that all are bound to do their best to learn the saving truths of Religion, to hear, believe and obey this teaching which Christ sent forth His Apostles to communicate to all nations.

But in matters of Religious doctrine we see, in practice, a great diversity of belief and opinion, even among the most learned and pious men. How can we reconcile this paradox, this contradiction? Did Christ authorise that His Divine Truth should be thus misunderstood? or expounded in an inconsistent and contradictory manner by those whom He appointed to preach it? That one portion of His flock should be taught to believe articles of faith, which other bodies of His earnest and devoted followers reject and disbelieve? Catholics believe that such would have been unworthy of the infinite wisdom

Christ; that, in fact He did not authorise, but forbade divisions and contradictions in doctrine among His followers, that He instituted a Tribunal on earth to decide all such disputes and divisions. This tribunal is "THE CHURCH OF THE LIVING GOD THE PILLAR AND GROUND OF TRUTH!" (I Tim. i. 15.) and therefore infallible. Christ commanded His disciples that when any disputes should arise among them, to "TELL THE CHURCH"; and when His last Court of Appeal, this INFALLIBLE AUTHORITY decides, He orders prompt submission to such decision: "HE THAT WILL NOT HEAR THE CHURCH, LET HIM BE TO THEE AS THE HEATHEN AND PUBLICAN." (Matt. viii. 17).

This infallibility is ensured to the Church, not by the personal qualities or merits of weak, frail men, however good—although such compose her body—but by the promise of Christ to be with her Pastors in the fulfilment of the work of the ministry to which he appointed them; and by the guiding, directing and controlling power of the Holy Ghost, the Spirit of Truth, whom he promised to send "TO TEACH THEM ALL TRUTH AND ABIDE WITH THEM FOREVER." (John xiv xvi.). This official infallibility, this inerrancy in her solemn decisions, which Christ promised to the Church, does not by any means imply the individual impeccability or personal exemption from sin of any one of her members, no matter how exalted in rank. On the contrary all know that like David or Solomon, or St. Peter or Judas, the holiest and best may in a moment of weakness, if he neglect to "watch and pray lest he enter into temptation," (Matt. xxvi. 41) fall into sin; and if he repent not, he may, like Judas, be eternally lost.

In giving His great commission to the Apostles, the first Pastors of His Church, to TEACH ALL NATIONS, He promised to "be with them all days even to the consummation of the World." (Matt. xxviii. 20) This promise He fulfills by His Real Presence in the Adorable Sacrament of the Altar, the Holy Communion, the mystery of faith and love, which Catholics everywhere are celebrating on this day. Before His death Christ promised: "I WILL BUILD MY CHURCH AND THE GATES OF HELL SHALL NOT PREVAIL AGAINST IT": (Matt. xvi. 18) The Paraclete, the spirit of truth came to fulfil that promise, to perfect the establishment of the Church and to preserve it against "the gates of hell," that is against the efforts which the "Father of lies" would make to undermine it by falsehood or error. "And I will ask the Father and He shall give you another Paraclete that He may abide with you for ever. . . . The Holy Ghost whom the Father will send in my name, He will teach you all things and bring all things to your mind whatsoever I shall have said to you." (John xiv. 16. 26) "When He the Spirit of Truth is come, He will teach you all truth" (John xvi. 13). This certitude based on the infallible

Word of Christ, that He is with His Church, guiding, enlivening and ruling her, and that the Holy Ghost is also with her teaching all truth and guiding her Pastors in all official duty, but particularly when assembled in Solemn Council, makes Catholics prompt to receive and abide by her decisions. For they regard such decisions, not as the decisions of mere men, however good, wise or learned, but the decisions of the Holy Ghost, of Christ Himself. "He that heareth you, heareth me." "Whatever you shall bind on earth shall be bound in heaven; whatever you shall loose on earth, shall be loose in heaven," (Matt. xvi. 19). The Pastors of the Church are simply the human instruments, the official Channels which the Holy Ghost employs to communicate Religious Truth to men. The great efficient cause, the motive and directive power, so to speak, of this solemn official action of the Church of Christ, is the HOLY GHOST. This truth—for if this be not true, then there is no such thing as truth in the Bible, for there is no point more clearly and more frequently repeated in the Bible, while at the same time it is more conformable to right reason—satisfies and convinces the minds of Catholics with as much logical precision as any geometrical demonstration that every dogmatic decision of the Church, every article of faith which she proposes for our belief must be true, no matter how obscure or unsatisfactory may appear the intrinsic arguments otherwise brought to prove it independently of the Church's decision.

The whole history of the Church illustrates this. From time to time there have been disputes and differences on points of doctrine or discipline which, when the matters were of sufficient importance, were examined and discussed in Council by the Pastors of the Church, under the presidency of their Chief Pastor, the Pope. During the period of deliberation the Fathers are expected, nay bound in conscience to honestly and sincerely express their opinions and the reasons thereof. For this reason suitable regulations as to the mode of conducting the deliberations, providing for the necessary liberty of discussion, the just and decorous order to be observed in conducting it, &c. are made by, or with the sanction of the President, published and circulated among the assembled Fathers, just as is done in all other well regulated deliberative assemblies of intelligent men. As a matter of course, during the period of deliberation and discussion, there is more or less difference of opinion. Such was the case at the first Council of the Church, held by the Apostles and early Christians at Jerusalem (Acts xv.). Such has been the case in every Council held since. Such was the case at the recent Vatican Council. But the period of deliberation being ended, the liberty of discussion ceases; and when the final decision is formally given, the liberty of difference in opinion on the points decided ceases. Simple, honest, rational and sincere

assent and submission is required of all, without exception, to the decision of the Church. "He that will not hear the Church" says Christ "let him be to thee as the heathen and publican!" that is let him be cut off from the fold of Christ.

That my Course at the Vatican Council was in strict conformity in every particular with my conscientious duty and just official rights and obligations as a Bishop of the Church, I have never for a moment had reason to doubt. When called to the Council by the supreme visible head of the Church, I obeyed with alacrity, and may here refer to the Pastoral Letter on the subject, printed and published in Nov. 1869, immediately before my departure. At the Council I remained three months after I had got leave of absence, in order to fulfil my duty and exercise with Apostolic liberty, my right of voting during the period and within the just limits of the regulations prescribed for the deliberations; and when the decision was finally and formally given, as soon as I could procure authentic printed copies of the Decrees, I sent them by mail to every priest in my Diocese, accompanied by the following circular letter addressed to my flock.

TO THE CLERGY, THE RELIGIOUS AND LAITY OF OUR DIOCESE, HEALTH AND
BENEDICTION.

Dearly Beloved Brethren :

We addressed to you a Pastoral Letter on the occasion of our departure for Rome to take part in the Œcumenical Council. Now that we are returning from it we desire again to address you on this subject.

While assisting at the Council we tried faithfully to fulfil the sacred and grave duties of our office. We studied and weighed carefully the arguments which militated for and against the questions submitted for our examination. We listened with respectful attention to the discourses of the Venerable Fathers; and when the time came, we voted according to our conscience.

One question especially, as, doubtless, you learned from the newspapers, much occupied the Council, namely, that of the Infallibility of the Pope. When this matter was first officially submitted to our examination, the Fathers of the Council were invited to write their observations thereon.

In the "observations" which we wrote on this occasion, we acknowledged that from the period of our clerical studies in the Seminary up to the moment of our arrival at the Council, we had held the opinion of the Pope's infallibility teaching *ex cathedra*: and that as far as it might concern us personally, no difficulty existed, since we were in the disposition which we hoped always to retain, of believing everything which the Catholic Church would teach. But when called upon to vote for the erection of this doctrine into a dogma of faith, binding all to believe it under pain of excommunication, we were unwilling to assume that responsibility, principally for two reasons: 1st. Because the certitude of the doctrine, howsoever probable it might be, did not appear to our minds sufficiently evident to justify us in giving such a vote. 2d. Even though we had acquired this certitude, the definition of the dogma

appeared inopportune: since it might give occasion to many to become separate from the Church, and prevent others from entering into her pale, because perhaps they would not be able to reconcile this definition with certain facts of history in past ages. The subsequent discussion of this subject in the Council hall did not change our opinion. Hence when the time for voting in the General Congregation came, we voted negatively: *non placet*.

But at that moment as well as at all other times, we were in the disposition to abide by the final decision of the Council. For such decision gives us the supreme motive of credibility on which our faith is grounded, namely, THE AUTHORITY OF THE CHURCH.

According to the permission which we had received, and after complying with the condition required, namely, that of appointing our Procurator for the Council to do all that would be necessary in our absence, such as to sign the decrees, etc., we left Rome before the public session of the 18th of July took place. Although not present when the last solemn vote of the Fathers and the confirmation of the Sovereign Pontiff were given, we soon after became informed of the fact.

Therefore on this feast of the Assumption of the B.V. Mary as well as the anniversary of our episcopal consecration, while unable to be present with you as we had hoped, we endeavour to compensate by addressing to you the present letter:

1st, To communicate to you the dogmatic Decrees of the Council, passed in the two public sessions of the 24th of April and the 18th of July, and which are herewith annexed.

2nd, To express our humble submission and our sincere and full adhesion to the said Decrees.

3rd, To transmit to you the Apostolic Benediction, given to us for you by His Holiness at the audience of leave-taking which he deigned to accord to us some time before our departure.

We earnestly recommend to you D. B. B. to offer up your fervent prayers to Heaven for the interests of the Church, for its Chief Pastor and all the Pastors and people of the Christian fold. May God bless them and preserve them in the holy unity of charity and of the true Religion! At this moment in which we write these lines, the scourge of war is here exercising its terrible ravages, to which God alone can mark the limits. Alas! the inevitable chastisement of sin! Let us stay the arm of God's justice by a true repentance of our sins, by our humble prayers and persistent supplications to His Divine Heart for mercy.

Let us also supplicate our Immaculate Virgin Mother who, at the wedding of Cana, by her intercession with her Divine Son, caused water to be changed into wine, that she may now in like manner cause the tribulation of her clients to be changed into spiritual joy!

In conclusion, D. B. B. we solicit for ourselves your pious prayers and we implore the God of mercy to pour down upon you all his most abundant benedictions!

*Hotel-Dieu of St-Joseph, Beauge
(France), August 15, 1870.*

† JAMES ROGERS,
BISHOP OF CHATHAM
(New Brunswick, Canada).

On my return to my Diocese, in answering the address of welcome presented to me by the devoted people of Chatham, I failed not to express, as had ever been the tenor of my instructions, the same duty of reasonable obedience and due submission to all lawful and just authority, whether spiritual or temporal. From the notice of what I said on that occasion published at the time, in the local newspapers, I make the following extract.

* * * "After the Gospel, he preached an earnest, practical instruction which occupied about an hour, taking his text from the Gospels of the Masses of the feast of Christmas, and dwelling emphatically on the lesson of "Glory to God and peace on earth to men of good will," sung by the angelic host over the Crib of Bethlehem—the lesson of obedience to all legitimate and just authority on earth, taught by the example of Mary and Joseph leaving their home at Nazareth, in obedience to the edict of the Pagan Emperor in order to enregister their names in Bethlehem—and the lesson of the infallible inerrancy of the decisions of God's Church and her Chief visible Head on earth when speaking *ex Cathedra*, as illustrated by the miraculous Star which guided the three eastern Kings or wisemen, first to Jerusalem, where it disappeared and left them to learn from the official ordinary authority which God had established on earth for guarding and expounding His Divine Law and His Prophets, namely, the Jewish High Priest, that it was in Bethlehem of Judea that Jesus was to be born. His Lordship thanked them for their just and warm expression of sympathy for the Sovereign Pontiff in his present affliction, and their protest, in common with the Prelates of the Ecclesiastical Province and of Catholics everywhere, against the invasion by the Italian Government of the Patrimony of St. Peter, the property of the universal church."

When the Priests of our Diocese, as soon as the season and their laborious duties permitted their absence from their respective missions, assembled at our residence in Chatham for their spiritual Retreat last year, it was deemed a suitable occasion to convey our filial congratulations to the Holy Father who had then recently completed his 25th anniversary as Pope. This being the first formal meeting of all our Clergy since my return from the Council, it was also deemed a suitable occasion to express in the same address our entire assent and adhesion to the decrees of the said Council. The following is a translation, in English, of the Address, together with that of the kind paternal Reply of His Holiness to my letter transmitting the same; in which letter I informed the Holy Father of the illuminations and demonstrations of joy had by the Catholics of Chatham, on the Cathedral grounds and buildings in honor of his said anniversary on the 17th and 21st of June.

ADDRESS OF THE CLERGY OF THE DIOCESE OF CHATHAM, TO HIS HOLINESS
POPE PIUS IX.*

Most Holy Father,

We, the Bishop and Clergy of the Diocese of Chatham, being assembled during the past eight days in the holy exercises of a pastoral retreat, feel it a grateful duty before we separate, to express to Your Holiness the sentiments of filial love and religious veneration which we entertain for your sacred person, and for your most exalted office as Vicar of Christ on Earth, Successor of Blessed Peter, and Visible Head of God's Holy Church.

We unite with our Brethren in all parts of the World in expressing our full and reverential assent, adhesion and obedience to the Decrees of the Holy Vatican Council, which proclaim the infallibility of the Apostolic See in all its *ex cathedra* decisions.

We submit with reverential docility, humility and love, to all the sacred ordinances of the same Holy See.

In affectionate sympathy with Your Holiness, we are filled with grief and indignation on account of the cruel wrongs and injustices which robbed you of the Patrimony of Peter, and even of the government of the Eternal City itself, making you virtually a prisoner, and depriving you of the liberty necessary to administer the affairs of the Universal Church.

Nevertheless, amid these griefs we rejoice at the singular favour which God has bestowed on you in prolonging Your Illustrious Pontificate to the "years of Peter" which favour, the first of the kind as yet granted to any Pope since St. Peter, has called forth the grateful rejoicings of Catholics everywhere!

We pray Our Lord Jesus Christ, and implore the intercession of His ever

*[Original Latin Version.]

PIO, PAPAE IX,

CLERUS DIOECESIS CHATAMENSIS GRATULABUNDUS.

Beatissime Pater,

Nobis, Episcopo et Clero Dioecesis Chatamensis, qui Octo his diebus in sacris exercitiis spiritualibus persolvendis occupati fuimus, pergratum incumbit officium Sanctitatis Tuae prius exponendi, quam ad propria discedamus, amoris filialis ac sacrae venerationis sensus qui nos devinciunt venerabili Tuae Personae, Tuoque sublimi officio, quatenus Christi es Vicarius, Beati Petri Successor, atque Sanctae Dei Ecclesiae visibile Caput. Societatem cum fratribus per orbem sparsis inimus ad exprimendum nostrum plenum reverentemque assensum, adhaesionem obedientiamque Sacri Vaticani Concilii Decretis quae infallibilitatem Sedis Apostolicae in suis omnibus ex cathedra definitionibus proclamant. Item omnia ejusdem Sanctae Sedis acta et decreta cum docilitate, humilitate ac amore haud fictis, recipimus sequimurque.

Summo nobis dolori est atque indignationi videre injustitias gravissimas malaque innumera quae homines perversissimi Sanctitati Tuae infligunt, ut Petri patrimonio, in ipsius Almae Urbis imperio potiantur.

Tecum igitur, sicut decet filios devotos, condolemus eoquod captivus sacrilega maneat, tenearis, eaque, qua Tibi ad universam Ecclesiam regendam opus est, libertate orbere. Has inter angustias non parvam nobis affert consolationem favor ille quem Sanctitas Tuae contulit misericors Deus, illustrem Tuum Pontificatum ad annos Petri perducendū qui favor Tibi soli e Petri successoribus obtingens, summam omnium ubique terrarum fidelium exultationem cum gratiarum ad Deum effusione evocavit.

Dominum Jesum Christum suppliciter exoramus, Immaculatae Ejus Matris Mariae Beati Petri, principis Apostolorum omniumque Sanctorum suffragia devote poscimus, o

Immaculate Virgin Mother, of Blessed Peter, Prince of the Apostles, and the suffrages of all the Saints, that you may still live long and happily until you witness the triumph of the Church and of the Holy See!

Deign Holy Father to grant us your Apostolic benediction, to our flocks and all our labours.

Given at Chatham, in the Chapel of the Episcopal Residence, near the Cathedral of St. Michael, this 8th day of August, A. D., 1871.

† James Rogers, Bishop of Chatham.
Michael Egan, Vicar General.

Joseph Theberge.
William Varrily.

Ferdinand Gauvreau.

Joseph Pelletier.

John J. O'Leary.

Thomas Francis Barry.

J. Theophilus Allard.

William Morrissey.

Joseph A. Babineau.

John Carter.

Marcellus F. Richard.

Thomas J. Bannon.

Patrick W. Dixon.

The following were not present at the Retreat, but requested their Names to be added to this Address.

Anthony Robert, C. SS. C.
Fidelis A. Bernier, C. SS. C.
Andrew Roy,
Lewis Gagnon.
Stanislas Doucet.
Fintan Dowling.
Ambrose Nolin.

PIUS IX, PP.

Venerable Brother:

HEALTH AND APOSTOLIC BENEDICTION.

From your most dutiful letter dated the 15th of last August together with the enclosed Address to us, subscribed by the Clergy of your Diocese, we have been assured Venerable Brother, of the sincere respect with which you venerate the prerogatives Divinely conferred on this Apostolic See; we have also seen the glowing

Sanctitati Tuae vita diu feliciterque adhuc servetur, donec videas Sedis Apostolicae et Sanctae Matris Ecclesiae triumphum.

Benedictionem Tuam Apostolicam, Beatissime Pater, nobis, gregibus, laboribusque nostris imp'rtire digneris.

Datum in Oratorio Aed. Nostr. Episcopal. apud Chatham prope Ecclesiam Cathedralē S. Michaelis, Die octava Augusti, A. D. 1871.

† Jacobus Rogers, Epus Chathamensis.

Josephus Theberge.

Michael Egan, Vic Generalis.

Gulielmus Varrily.

Ferdinandus Gauvreau.

Josephus Pelletier

Joannes Josephus O'Leary.

Thomas Franciscus Barry.

Theophilus Allard,

Gulielmus Morrissey.

Josephus Augustus Babineau,

Joannes Carter.

Marcellus Franciscus Richard.

Thomas Joannes Bannon.

Patricius Gulielmus Dixon

Qui sequuntur Exercitiis non interfuerunt; attamen his litteris Sanctitati Tuae directis subscribere voluerunt.

Antonius Robert, S. S. C.

Fidelis A. Bernier, S. S. C.

Andreas Roy.

Ludovicus Gagnon.

Stanislas Doucet.

Fintanus Dowling.

Ambrosius Nolin.

PIUS, PP. IX.

SALUTEM ET APOSTOLICAM BENEDICTIONEM.

Venerabilis Frater.

Ex tuis litteris observantissimis die 15. elapsi Augusti anno superiore datis, ac una cum epistola a Clero Dioecesis tuae subscripta Nobis reductis, agnovimus, Ven: Frater, sincerum obsequium, quo praerogativas huic Apostolicae Sedi divinitus collatas veneramini, pers-

zeal of yourself and faithful Clergy for the cause of the Church, as well as your and their devoted love for us, of which many evident proofs have been given both in our afflictions as well as in celebrating the favours conferred on us by a most merciful God.

These testimonies of your zeal, Venerable Brother, and of the piety and faith of your Clergy and faithful people have much gratified us; and while we bless the Divine goodness for arousing in the Children of the Church, at a time so much needed, the alacrity, fervor and spirit of faith, and for strengthening them to contend valiantly for the most holy cause of Religion, we moreover convey to you and to all the above mentioned with our affectionate and paternal feelings, the expression of merited praise and of our grateful good will for these offices (of filial sympathy and love) which you have rendered us.

You will therefore in our name, Venerable Brother, make known the sentiment of our paternal Charity both to your Clergy, through whom, with the help of God we trust much good will come upon that Diocese, and to all those beloved children of your flock whose great love and devotion for us you have related. Also announce to all of those same Children the Apostolic Benediction which from our inmost heart we impart to them, supplicating for them the abundance of heavenly graces, that they may ever bring forth joyful fruits of faith and justice!

Not doubting but that you will continue by your prayers to God to aid us in our so great contest against impiety, as a proof of our good will and as an earnest of a heavenly succour, we most lovingly grant to you, Venerable brother, and to your flock our Apostolic Benediction.

Dated at St. Peter's, Rome, the 17th day of January in the year 1872, being the twenty-sixth year of our pontificate.

To our Venerable Brother,
James, Bishop of Chatham,
Chatham, N. Brunswick, Canada.

PIUS IX. POPE

peximus flagrans Vestrum et istorum Fidelium erga Ecclesiae causam studium et erga Nos impensam dilectionem, cuius tum in acerbitatibus Nostris, tum in celebrandis muneribus Nobis a Clementissimo Deo concessis, luculenta a Vobis et a Fidelibus istis argumenta sunt edita.

Haec tui zeli Ven. Frater et istius Cleri ac Fidelium pietatis ac fidei testimonia gratissima Nobis extiterunt, et dum Divinae Bonitati benedicimus, quae tam necessario tempore Spiritum, alacritatem, ac fidei fervorem in filiis Ecclesiae excitat, eosque a certandum pro Sanctissima Religione impigros reddit, tibi ultro ac praedictis omnibus paterno animo gratulantes, officia, quae Nobis exhibuistis, merita laude et grata Nostra Voluntate prosequimur.

Tuum itaque erit, Ven. Frater, tum tuo Clero a quo plura in istam Dioecesim bono Deo adjuvante, obventura confidimus, tum omnibus Dilectis istis Filiis, quorum de eximio in Nos obsequio retulisti, paternae Nostrae charitatis sensus Nostro nomine declarare, itemque ipsis omnibus nunciare Apostolicam Benedictionem, quam adpraecantes et coelestium gratiarum copiam, ut laetos fidei ac iustitiae fructus jugiter emittant ex intimo corde impertimus!

Minime autem dubitantes, quin Vestris Nos orationibus apud Deum in tanto contra impietatem certamine adjuvare pergatis, tibi, Ven. Frater, tuoque Gregi Nostra benevolentiae testem et auspiciem coelestis auxilii Apostolicam Benedictionem peramante elargimur.

Datum Romae apud S. Petrum die 17. Januarii An. 1872 Pontificatus Nostri Anno vicesimosexto.

Venerabili Fratri,
Jacobus, Episcopo Chathamensi,
Chatham, Novo Brunswick.

Pius, PP. IX

From this incontestible public and documentary evidence it may be seen how little foundation in fact there is for the crazy calumnies of Mr. McGuirk re-echoed in Court by his Lawyer, Mr. Sayers, in order to get a verdict founded upon them for his client.

The honored and venerated names of the learned and illustrious Archbishop of Halifax, and the devoted and venerable Bishop of St. John have been repeated in this town and neighbourhood, during the past year by the Rev. Mr. McGuirk in a manner which the well known lives and deeds of these holy and faithful Prelates have little deserved.

I humbly beg the pardon of those venerable Dignitaries and of the devoted Priests and faithful people of their respective Dioceses for alluding to their names on the present occasion. For I know that their natural feelings of delicacy and Charity must be wounded by any allusion to them in connection with the circumstance of my present visit here. But a sense of justice forces me to speak in reparation of honor, and in atonement for the outrage offered, in their persons, to Religion, to society, to innocence and virtue, to honor, to friendship, to fidelity and merit in every stage and circumstance of their laborious and eminently useful lives, both public and private, during the past thirty years of their Sacred ministry as honored and beloved Clergymen in New Brunswick and Nova Scotia. It is to me an occasion of humiliation and affliction to be forced by duty to come to any part of my diocese to defend and protect a faithful young priest against the injustice of an elder Confrère. But the poignancy of my grief is much augmented by the thought that this Priest of my Diocese not only violates all clerical discipline by prosecuting his brother-priest before a secular Court, but for more than a year has been slandering and reviling not only his own Bishop, but also the highest and most honored Prelates of neighbouring Dioceses, and this through pretended zeal for the Pope, thus offering to the Holy Father the greatest of insults! To be sure the conviction that the unfortunate man is partially, if not wholly insane, alleviates the case, and were it not for the publicity which it has acquired and the support given to this poor man to encourage him in his folly, by certain influential persons here not of our flock, who thereby will neither gain honor nor benefit for themselves; I would continue to bear my grief in silence. But lest some, strangers to all the parties concerned, hearing the misrepresentations and falsehoods in question, without any refutation of them, might be led to conclude that perhaps there was some foundation of truth in them, I have felt it due to make this explanation.

The foregoing is a substantially correct report of what I said in the Church at Richibucto on the Sunday after the trial. Whether it was uncalled

for by the circumstances ; and whether it justifies the comments made in the newspapers, I leave to the public to judge.

+ **JAMES ROGERS,**

Bishop of Chatham.

CHATHAM, N. B.,
June 29, 1872.



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